

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WISCONSIN**

ROCKWELL AUTOMATION, INC. and  
ROCKWELL AUTOMATION  
TECHNOLOGIES, INC.

*Plaintiffs,*

v.

WAGO CORPORATION and WAGO  
KONTAKTECHNIK GMBH & CO. KG

*Defendants.*

Case No. 3:10CV718-WMC

Judge William M. Conley

**DECLARATION OF THOMAS J. ARTMANN**

I, Thomas J. Artmann, state as follows:

1. I am President of WAGO Corporation and I submit this declaration in support of WAGO's Opposition to Rockwell's Request for a Permanent Injunction. I have personal knowledge of the matters set forth in this declaration. If called as a witness, I am competent to testify to these matters.

2. I understand that Rockwell has requested a permanent injunction against WAGO Corporation with respect to the 750 and 758 controllers that Rockwell claims infringe its patent ("Accused Products"). If granted, a permanent injunction would severely and irreparably damage the business of WAGO and its customers.

3. WAGO's customers have designed their machines and control systems to work with the Accused Products. There is no product in the marketplace that would allow WAGO's customers to simply substitute a non-Accused Product for the installed WAGO product. As a result, WAGO's customers would have to redesign their control systems if they could not purchase the Accused Products. It is not practical or feasible for WAGO's customers to

undertake these efforts. In essence, a permanent injunction would be catastrophic to hundreds of customers throughout numerous industries.

4. WAGO introduced its I/O Systems in 1995 and has spent the last twelve years developing its controller business and associated customer relationships. If WAGO's customers could not purchase the Accused Products, WAGO's reputation and goodwill would be irreparably harmed. As previously stated, these customers rely on WAGO's Accused Products for their business and livelihood. There would be no way to repair WAGO's relationships with its customers if they could not continue to do business as they have since 1995.

5. Numerous other competitors offer controllers with file systems throughout the United States without license from Rockwell. These offerings are commonplace in the market. For instance, Beckhoff, Phoenix Contact, B&R and many others provide controllers with file systems. While these competitors use some of the basic features of the '813 patent, such as file system services, their products are not substitutes for WAGO's Accused Products as customers cannot simply replace a WAGO Accused Product with another company's controllers.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 25th day of October 2012.

A handwritten signature in black ink, appearing to read 'Thomas J. Artmann', written over a horizontal line.

Thomas J. Artmann

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The Hon. William M. Conley

**Certificate Of Service**

I HEREBY CERTIFY that on this 25th day of October, 2012, a copy of the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system and was served on the following counsel as indicated below.

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/s/ Gilberto E. Espinoza

Gilberto E. Espinoza